REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully solicited.

Status of the Claims

Original patent claims 1-60 were canceled by previous amendment.

Claims 61-85, filed with this reissue application on October 16, 2001 were canceled by previous amendment.

Independent claims 86, 92, 98, 104, 112, 119, 125, 131, 139. 146, 148, 150, 152, 156. 159, 161, 163, 167 and 170, presented by the amendment filed March 30, 2010, are amended by this paper. These amended claims are presented herein in the form required by 37 CFR 1.173(d). The details of the amendments made to these claims are clearly set forth in the accompanying Appendix.

Dependent claim 145 is amended to be consistent with independent claim 139, the claim from which claim 145 depends.

Dependent claims 87-90, 93-96, 99-102, 107-110, 113-116, 120-123, 126-129, 134-137, 140-143, 147. 149, 151, 155, 157, 160, 162, 166 and 168, presented by the amendment filed March 30, 2010, are canceled.

Dependent claims 91, 97, 103, 105, 106, 111, 117, 118, 124, 130, 132. 133, 138, 144, 153, 154. 158, 164, 165 and 169, presented by the amendment filed March 30, 2010, are not changed and remain in the same form as originally presented.

Claims 86, 91, 92, 97, 98, 103-106, 11, 112, 117-119, 124, 125, 130-133, 138, 139, 144-146, 148, 150, 152-154, 156, 158, 159, 161, 163-165, 167, 169 and 170 are presented for consideration. The accompanying Appendix shows the changes made to the claims by the

present amendment. The identifiers used in the claims presented in the Appendix identify those

claims that are amended by the present paper, those claims that are canceled, and those claims

that were previously submitted during the prosecution of the instant application but are not

changed by the present paper.

Rejection of the Claims

The claims remaining in this application were rejected under 35 U.S.C. §103(a) as

allegedly unpatentable over Publication WO92/16944 (Platte) in view of U.S. Patent No.

4,044,380 (Justice) for the same reasons set forth in the previous Office Action dated July 8,

2009.

Platte is a published international application published in German. An English

translation of European published application 0 576 458, corresponding to the German-language

disclosure of WO92/16944, was submitted with the amendment filed March 30, 2010. The

following discussion is based upon this English translation.

As explained in the March 30, 2010 amendment, Platte records subcodes on the same

tape cassette on which video signals are recorded. The subcodes "ensure that copying restrictions,

e.g. by way of copyright, are observed and to avoid unauthorized copying processes" (paragraph

bridging pages 1 and 2 of the English translation). The subcodes include a source identifier SI to

identify whether the cassette has been recorded by the owner, whether the cassette originates

from a copying plant and whether the cassette has been recorded off the air (see the top three

subparagraphs at page 2 of the English translation). According to Platte, these subcodes provide

"a high degree of flexibility in logically distinguishing different cases on the basis of the source

information for controlling the functioning of the equipment and for ensuring, if necessary, that

copying is prevented."

Applicants' representative repeats his previous argument that Platte's subcodes differ significantly from the "plural-bit mode number and associated plural-bit data or data flags" recited by Applicants' claims. Platte's subcode contains source identifier SI to identify the source of the input video signal, but SI is not a "plural-bit mode number." Rather, from Platte's Figures 1-3, it appears that Platte's subcode is a 3-segment code in which the first segment is the source identifier, the second segment is a copy count that "is increased by '1' during each copying process," and the third segment is a single bit whose value represents "yes" or "no" for copy protection.

There is no "plural-bit mode number" to classify Platte's subcode or any segment in that subcode. Platte does not suggest that his subcode defines the use or purpose of any bits that follow his subcode. For example, Platte's subcode does not define his segment 1, 2 or 3 as representing information that is different from copy protection. Platte's disclosure is limited strictly to copy protection. Consequently, since Platte's subcode contains only copy protection data, there is no need for Platte to provide, for example, a preamble to selectively classify plural bits "such that predetermined bits of said associated plural-bit data or data flags represent different information as a function of the classification by said plural-bit mode number." At best, Platte describes plural bits limited solely to copy protection information.

Another difference between the "copy generation data" recited by Applicants' claims and the subcode described by Platte is that Applicants' copy generation data indicates "the number of successive generations of copies that can be made from the processed video signal," whereas Platte's copy counter CC indicates the number of copies that have already been made. Consequently, Platte's copy counter does not provide any indication of the number of permitted copies of the video signal that remain. An indication of the number of copies that have already

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been made, which is the function of Platte's copy counter, as opposed to the number of permitted copies that remain, which is recited in Applicants' claims, is, without more, minimally useful for copy control.

Yet another difference between Platte's subcode and, for example, Applicants' claim 86, is the recitation in claim 86 that "said copyright information data and said copy generation data [are] superposed in VBID data in the same line interval." This feature had been recited previously in Applicants' claim 64 and in claim 90. While the Examiner rejected claims 64 and 90 as being obvious in view of Platte and Justice, an explanation was not provided of where a description of this feature is found in the references. It is submitted that neither of these references suggests superposing copyright information and copy generation data in the VBID data in the same line interval. The Examiner correctly did not point to any portion of Platte or Justice that allegedly describes this feature.

All of the remaining claims in this application include the recitation that the copyright information and the copy generation information are superposed in the VBID data in the same line interval. Accordingly, it is respectfully submitted all of the claims presented herein are patentably distinct over the combination of Platte and Justice.
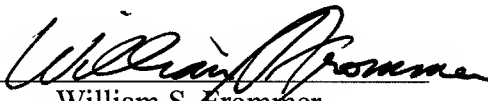
Therefore, it is respectfully submitted, claims 86, 91, 92, 97, 98, 103-106, 111, 112, 117-119, 124, 125, 130-133, 138, 139, 144-146, 148, 150, 152-154, 156, 158, 159, 161, 163-165, 167, 169 and 170 are patentably distinct over Platte in combination with Justice.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our

Deposit Account No. 50-0320.

Respectfully submitted,

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